

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<b>JENNIFER BIRCHALL,</b>	:	<b>CIVIL ACTION</b>
<b>Plaintiff,</b>	:	
	:	
<b>vs.</b>	:	
	:	
<b>COUNTRYWIDE HOME LOANS, INC.,</b>	:	
<b>a/k/a COUNTRYWIDE BANK, N.A., et al.,</b>	:	
<b>Defendants.</b>	:	<b>No. 08-2447</b>

**ORDER**

**AND NOW**, this 13<sup>th</sup> day of November 2010, upon consideration of the Defendant Countrywide's Motion to Dismiss the Plaintiff's Second Amended Complaint (Docket No. 21), and the Plaintiff Jennifer Birchall's Cross-Motion to Amend her Second Amended Complaint (Docket No. 25), it is hereby **ORDERED** that:

1. With regard to Counts I and II of the Second Amended Complaint, Countrywide's Motion to Dismiss is hereby **GRANTED** in full.
2. With regard to Count III of the Second Amended Complaint, Countrywide's Motion to Dismiss is hereby **GRANTED** in part and **DENIED** in part. The Motion is **granted** with regard to all of the Plaintiff's claims under the Pennsylvania Unfair Trade Practices Consumer Protection Law, 73 P.S. § 201-1, et seq., **excepting** her claim under the Law's "catchall" provision, 73 P.S. § 201-2(4)(xxi), with regard to which the Motion to Dismiss is **denied**.
3. Ms. Birchall's Cross-Motion to Amend is **DENIED**.

BY THE COURT:

S/Gene E.K. Pratter  
GENE E.K. PRATTER  
UNITED STATES DISTRICT JUDGE